

REMARKS

In the Office Action dated February 5, 2008, claims 1-12 were rejected under 35 U.S.C. §102(b) as being anticipated by NessAiver.

Applicants note with appreciation the telephone interview courteously afforded the undersigned representative of the Applicants on April 22, 2008, wherein this rejection was discussed. At the interview, Applicants proposed amending independent claim 1 to bring the subject matter of claims 2 and 3 therein. It was also proposed to amend independent claims 12 and 13 in a similar manner.

In the telephone interview, Applicants' representative stated that the independent claims amended in this manner are not anticipated by the NessAiver reference because the term "segmenting" is a well-known and well-understood term in the field of image processing and image manipulation, and refers to the procedure whereby an item of interest in an image, such as a blood vessel or branch of blood vessels in an anatomical image, is identified in a suitable manner, such as by outlining, and then this, and only this, segmented portion is removed from the original image and/or is shown by itself in another displayed image. The important point in the context of claims 2 and 3 is that such segmenting takes place in the displayed image.

This is in contrast to the procedure in the NessAiver reference that the Examiner has equated with such "segmenting" in the latest Office Action. Applicants do not agree that the procedure cited by the Examiner at column 5, lines 5-19 of the NessAiver reference (which was relied upon by the Examiner as the basis for rejecting claims 2 and 3) would be considered by a person of ordinary skill in the field of image processing as corresponding to "segmenting" an image. This is because

the procedure described in that passage of the NessAiver reference relates to manipulation of data in k-space. The data in k-space are in the so-called frequency space or frequency domain, as opposed to the visually displayed image, which is referred to as being in the image domain or image space.

The Examiner agreed with these distinctions, but stated that the current claim language in claim 1 refers to acquiring "data" for the anatomical image series and acquiring "data" for the speed-resolved image series, and therefore the subject matter of claims 2 and 3 could refer (generically) to such "data" and thus would not necessarily preclude a version of "segmenting" taking place in k-space.

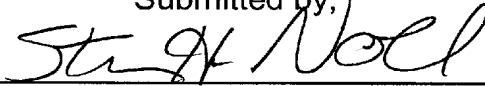
It was therefore agreed at the interview that if the subject matter of claims 2 and 3 were brought into the independent claims, and if it were further made clear that the segmenting takes place in image space, this would overcome the current anticipation rejection based on NessAiver. These changes have therefore been made in the independent claims, together with other editorial changes in those claims that are consistent with the aforementioned changes.

It was also stated in the telephone interview that making these changes would raise a new issue requiring further searching or consideration, and therefore such an amendment would not be entered after the final rejection, and could only be entered and considered by filing an RCE. This Amendment is therefore being filed simultaneously with an RCE, and entry and consideration thereof are respectfully requested.

Applicants submit that all claims of the application are in condition for allowance, and early reconsideration of the application is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,



(Reg. 28,982)

SCHIFF, HARDIN LLP
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicants.

CH1\5719586.1